

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

| | | |
|---------------------------------------|---|-----------------------------|
| INNOVATION SCIENCES, INC., | § | |
| | § | |
| v. | § | Case No.: 4:18-cv-00476 ALM |
| | § | |
| HTC CORPORATION | § | (LEAD CASE) |
| | § | |
| INNOVATION SCIENCES, LLC | § | Case No.: 4:19-cv-00752 ALM |
| | § | |
| v. | § | |
| | § | |
| HTC CORPORATION | § | <i>Consolidated</i> |
| | § | |
| HTC CORPORATION, HTC AMERICA, INC. | § | Case No.: 4:20-cv-00180 ALM |
| | § | |
| v. | § | |
| | § | <i>Consolidated</i> |
| INNOVATION SCIENCES, LLC | § | |

JOINT MOTION FOR ENTRY OF FIRST AMENDED SCHEDULING ORDER

Innovation Sciences, LLC (“Innovation”) and HTC Corporation (“HTC”) jointly file this motion seeking entry of the attached Proposed First Amended Scheduling Order.

The Court entered a scheduling order in the above-captioned consolidated actions on May 11, 2020. Dkt. No. 63. On May 21, 2020, the Court granted Innovation a two-week extension to serve its P.R. 3-1 and 3-2 disclosures. The Proposed First Amended Scheduling Order similarly extends the P.R. 3-3 and 3-4 disclosure deadline and claim construction deadlines by two weeks. The claim construction briefing deadlines are extended by one week, but the joint claim construction chart and *Markman* hearing date remain the same. Good cause exists to allow HTC sufficient time to prepare and serve its invalidity contentions and for the parties to thereafter complete claim construction exchanges and briefing in advance of the scheduled *Markman* hearing. A chart showing the proposed changes to the scheduling order is below:

| Current Date | New Date | Deadline |
|--|-------------------|---|
| June 16, 2020 | June 30, 2020 | P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages. |
| June 23, 2020 | July 7, 2020 | Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1). |
| June 30, 2020 | July 14, 2020 | Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2). |
| June 22, 2020 | No change | Parties' final amended pleadings. (A motion for leave to amend is required.) |
| July 16, 2020 | July 30, 2020 | Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims. |
| July 13, 2020 | No change | Response to amended pleadings. |
| July 23, 2020 | August 7, 2020 | Completion date for discovery on claim construction (P.R. 4-4). |
| August 7, 2020 | August 14, 2020 | Opening claim construction brief (P.R.4-5(a)). |
| (Parties submit using -476 Action submissions) | | Submit technology synopsis (both hard copy and disk). |
| August 21, 2020 | August 28, 2020 | Responsive claim construction brief (P.R. 4-5(b)). |
| August 28, 2020 | September 4, 2020 | Reply claim construction brief (P.R. 4-5(c)). |
| September 11, 2020 | No change | Parties to file joint claim construction and chart (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible. |
| September 21, 2020 | No change | Claim construction hearing at 9:00 am at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas. |

DATED: June 16, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Philip Ou

Philip Ou